

REMARKS

Claims 1-2 and 5-16 are in the case and presented for consideration.

Thorough examination and allowance of claims 15 and 16 is appreciated.

Errors in the specification have been corrected. No new matter has been added. References to the claims in the specification have also been removed since the claims have been amended after the filing of the application.

Claims 1, 2, 8, 10, 12, and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,598,908 to York et al.

MPEP 2131 states:

"A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The **identical invention** must be shown in as **complete detail** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that the Office has not established a *prima facie* case of anticipation with respect to claim 1. The Office has not established that each and every element as set forth in claim 1 is found in the cited reference. Claim 1 recites at least one element that the Office has not identified in the cited reference. Specifically, claim 1 recites, inter alia, "a control element having a rotary **knob**," and the Office has not identified any element in the cited reference which constitutes a rotary knob. By contrast, the Office states that "York discloses a

control element having a rotary knob 32..." Applicants respectfully disagree. The reference number 32 in the York '908 patent corresponds to a **shaft**. Although applicants understand that the claims are to be construed broadly, a rotary knob cannot be construed as a shaft under even the broadest possible interpretation. The definition of the term **shaft** in the context of the York '908 patent is a cylindrical bar used to support rotating pieces or to transmit power or motion by rotation (see Merriam-Webster Online). The terms **shaft** and **knob** are not synonymous. The plain meaning of knob is not a cylindrical bar used to support rotating pieces or to transmit power. The Office's interpretation of the shaft 32 in York '908 as a rotary knob is clear error. Although words can be interpreted broadly, the known meanings of the words at issue cannot be twisted or changed to suit a rejection.

Furthermore, York '908 does not contain any other elements which could be alternatively construed as a rotary knob. To the contrary, York '908 discloses a fluid coupling device having a shaft 32 having square openings 58 that accept a similarly shaped male end of an output shaft 60 of a torque tool 62.

Applicants further submit that the Office has not established a *prima facie* case of anticipation with respect to claim 12. The Office has not identified at least one element of claim 12 in the cited reference. In particular, claim 12 recites inter alia, "the control element is configured to control a graphical user interface." The Office states that "the control element is configured to control a graphical user interface 68." Applicants respectfully disagree.

First, the Office's statement is entirely conclusory. The Office has not

identified a single location in the reference which supports its conclusory statement.

Referring to the Board of Patent Appeals and Interferences decision in *Ex Parte Naoyo Isoda*: "To meet [the] burden of establishing a prima facie case of anticipation, the examiner must explain how the rejected claims are anticipated by pointing out where all of the specific limitations recited in the rejected claims are found in the prior art relied upon in the rejection." *Ex Parte Naoya Isoda*, Appeal No. 2005-2289, Application 10/064,508 (BPAI Opinion October 2005). MPEP guidelines per 1.104(c)(2) of Title 37 of the Code of Federal regulations and section 707 of the MPEP state that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified". The Office has not identified where York '908 discloses a control element (as recited in claim 1) configured to control a graphical user interface.

Second, element 68 is only related to a display function in the following sense:

The performance of the torque tool 62 can then be measured, recorded and compared to the desired or standard performance as determined for that type of tool and that type of fastener installation. The comparison can be *provided visually on a screen* and/or in a printed, recorded form by the microprocessor-controller 68. (emphasis added) (col. 10, lines 30-35)

In other words, the microprocessor-controller 68 can provide a comparison on a screen. However, the fluid coupling device does not control the microprocessor-controller 68 or related display in any manner. Applicants respectfully point out

that York '908 discloses the exact opposite of what is claimed. York '908

discloses a microprocessor controller 68 that controls the fluid coupling device.

York '908 states:

An electrical power supply such as transconductance amplifier 66 provides the necessary, controlled d.c. voltage in order to transmit the desired magnitude of d.c. current to the excitation coils 38, 38' via a line 67. *A microprocessor-controller 68 is connected to the power supply or amplifier 66 and is adapted to control the amplifier, power supply 66 to provide a preselected variation in magnitude of current to the coils 38, 38' whereby the magnetic coupling between the rotor member 14 and the fixed housing assembly 12 will be varied. The controller 68 can be operated manually or programmed to operate automatically to vary the control signal to the amplifier 66 pursuant to a known torque curve to provide the desired variations in magnetic coupling by the fluid coupling 10 (10a) and hence the desired load simulation to the torque tool 62.* (emphasis added) (col. 9, lines 35-49)

Thus in operation, the microprocessor-controller 68 will first be provided with the data for the torque load curve from the torque tool standard 70 and typical fastener joint 72. With this information stored the torque tool 62 will then have its output shaft 60 drivingly connected to the support or load shaft 32 of the fluid coupling device 10 (10a). Upon actuation of the torque tool 62 *the microprocessor-controller 68 will be activated to provide control signals to the amplifier 66 via line 90 having variations in magnitude in accordance with the known magnitudes of torque and angle from the torque tool standard 70.* The amplifier 66 will then provide the corresponding magnitude of energizing current to the coils 38, 38' via line 67 to generate the necessary varying magnitudes of magnetic field to imulate the reaction loads encountered by the torque tool standard 70 in setting the typical fastener joint 72. (emphasis added) (col. 10, lines 15-30)

The remaining dependent claims are patentable for at least the same reasons as described above.

Claim 6 has been rejected as obvious from York '908. Claim 6 depends from claim 1 and is patentable for at least the same reasons as claim 1.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) to Account No. 14-1270.

Respectfully submitted,

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